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Patent  
60018/101:1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Michael J. Masterson ) Group Art Unit: 3643  
Serial No.: 10/826,905 )  
Filed: April 15, 2004 )  
For: APPARATUS AND METHOD FOR )  
MONITORING TERMITE ACTIVITY )

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.

Copies of listed U.S. patent documents are omitted because this application was filed after June 30, 2003 and, thus is subject to image file wrapper processing.

A copy of the Su et al. article of Item FB cited herein was not available but is understood to be in the file wrapper of Item FA, U.S. Application Ser. No. 10/767,958 (NPL Document 1/27/2005).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication

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**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

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March 1, 2005  
Date of Deposit  
PortInd2-4509371.1 0060018-00101

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Sandi Lekar  
Name of Person Mailing Paper

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Signature of Person Mailing Paper

or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

Applicant sets forth below concise explanation of the relevance of each document not in the English language and/or selected documents(s) in the English language.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).

The Commissioner is authorized to charge Deposit Account No. 19-4455 for any additional fees which may be required.

Respectfully submitted,

Dated: March 1, 2005

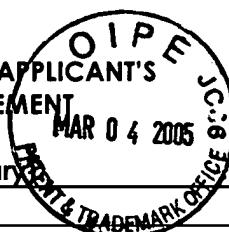
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**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

**ATTY. DOCKET NO.**

60018/101:1

**SERIAL NO.**

10/826,905

**APPLICANT:**

Michael J. Masterson

**FILING DATE:**

April 15, 2004

**GROUP:**

3643

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	DA	5,815,090	9/1998	Su	340	870.16	
	DB	6,164,010	12/2000	Snell et al.	43	131	9/2/1998
	DC	6,178,834	1/2001	Cates	73	865.8	2/19/1999
	DD	6,370,812	4/2002	Burns et al.	43	124	6/7/1995
	DE						
	DF						
	DG						
	DH						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	EA							
	EB							
	EC							

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

FA	U.S. Application Ser. No. 10/767,958 which is a reissue application of Pat. No. 6,439,069.
FB	Su et al. "Monitoring/Baiting Station to Detect and Eliminate Foraging Populations of Subterranean Termites (Isoptera: Rhinotermitidae) Near Structures," Aug. 1995 Entomological Society of America, Volume 88, Number 4, pages 932-936.
FC	Su et al., <i>A System for Eliminating of Subterranean Termite Colonies</i> , <a href="http://flrec.ifas.ifl.edu/entomo/Structural_Entomology/Termite97/Termite97.htm">http://flrec.ifas.ifl.edu/entomo/Structural_Entomology/Termite97/Termite97.htm</a> , visited 2/23/2005.
FD	
FE	

**EXAMINER:****DATE CONSIDERED:**

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant